

OCT 25

Mobil Pipe Line Company

Post Office Box 2220
Houston, Texas 77252-2220

October 15, 2004

VIA ELECTRONIC MAIL
AND CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ms. Stacey Gerard
Associate Administrator for Pipeline Safety
U.S. Department of Transportation
Research and Special Programs Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

Re: CPF No. 1-2001-5006
Petition for Reconsideration of Final Order

Dear Ms. Gerard:

Mobil Pipe Line Company ("MPLCO") hereby petitions for reconsideration of the Final Order issued in the above referenced case dated August 24, 2004 and received by MPLCO on September 13, 2004. MPLCO requested, and was granted, a 10 business day extension of time in which to file this petition. MPLCO requests reconsideration of the amount of the civil penalty assessed as well as the extensive requirements of the Compliance Order.

Certain of the findings contained in the Final Order have no reasonable basis in law or fact. In particular, the findings related to the alleged violation of §195.402(c)(12) are unsupportable since there is no rational connection between the relevant facts and the conclusions reached.

§195.402(c)(12) reads:

(c) *Maintenance and normal operations.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations:

(12) Establishing and maintaining liaison with fire, police and other appropriate public officials to learn the responsibility and resources of each government organization that may respond to a hazardous liquid or pipeline emergency and acquaint the officials with the operator's ability in responding to a hazardous liquid or carbon dioxide pipeline emergency and means of communication.

As cited above, the regulation requires that the MPLCO DOT Liquids Manual contain procedures to establish and maintain liaison with relevant responder agencies. The Notice of Probable Violation, Proposed Civil Penalty and Proposed Compliance Order ("Notice") and Final Order allege two instances in Item 4 of the Notice that support the violation. The first instance relates to an out of date phone number for the Chicopee, MA Fire Department found on an internal, supplemental phone directory. The second allegation related to signage will be addressed separately below.

The Office of Pipeline Safety ("OPS"), through its interpretive guidance, a copy of which is attached as Attachment A, has established that compliance with the cited regulation is achieved by "...meet[ing] face-to-face with public officials and maintain[ing] an on-going face-to-face liaison after the initial meeting." Documentation conclusively showing that MPLCO conducted on-going face-to-face liaisons with responder agencies, and in particular, the Chicopee, MA Fire Department was included in a voluminous binder submitted during the hearing. Since specific references to the documents were not included in the prior written responses, it is possible that the documentation was overlooked by the OPS in its prior review. A copy of the documentation previously submitted is attached for easier reference as Attachments B, C and D.

Attachment B is a list of all of the face-to-face meetings held in 2000, the year of as the audit at issue. The document shows a face-to-face meeting with the captain of the Chicopee Fire Department on September 18, 2000. Attachment C is a copy of the attendance confirmation signed by both the MPLCO representative and the Chicopee Fire Department representative. Attachment D is a copy of the MPLCO Emergency Preplanning Manual prepared exclusively for the liaison with the Chicopee Fire Department. In light of the above documentation, an allegation that compliance with the cited regulation was not achieved is unsupportable by the facts.

Failure of the OPS to follow its prior interpretive guidance, especially in light of the clear evidence of compliance with the prior guidance, would be an arbitrary and capricious enforcement action. Once the OPS has given a definitive interpretation of its regulations, a change in the agency's interpretation is the equivalent of an amendment to its rule. Such amendments cannot be done without following required rule making procedures mandated by the Administrative Procedure Act.

MPLCO respectfully requests that the Associate Administrator reconsider the prior determination and withdraw the allegation discussed above and eliminate the \$35,000 civil penalty associated with the alleged violation.

The second allegation in Item 4 of the Notice and Final Order relates to an out of date phone number on a sign posted at the Malvern, PA pump station. As noted above, Attachment A demonstrates that compliance with the cited regulation does not require signage. There is no reasonable basis on which to find a violation of the cited regulation based on the alleged facts.

Notwithstanding the comments above, MPLCO acknowledges that signage on pump stations is required by §195.434. During the audit of systems in multiple states, the referenced sign at the Malvern, PA pump station was the only sign found to have an incorrect telephone number. MPLCO immediately corrected the sign at issue following the audit.

As a result of the allegation, the OPS issued a Compliance Order requiring MPLCO to:

"Conduct a check of phone numbers and other contact information on all warning signs along the rights-of-way, road, railroad, and river crossings, and on the fences and gates entrances of all pump and ancillary stations involved in the transportation of hazardous liquids."

In addition to correcting the single pump station sign referenced above, MPLCO has verified the signs on fences and gated entrances to all pump stations and breakout tank areas in the States of PA, NJ, MA, RI and ME are in compliance with §195.434. Further, MPLCO has verified the presence and accuracy of signage on all other fenced or gated pipeline facilities in the referenced states. Further, in an abundance of caution, the inactive phone number found on the Malvern, PA pump station gate has been restored to active service.¹ This number is monitored 24/7 by our Houston Operations Control Center, so should any other signs with this phone number still exist, they now provide a working number with which to report emergencies. Finally, the OPS is asked to take note of the fact that the PA and NJ Systems are expected to be sold by MPLCO by February, 2005 and the new owner will be obligated to update or replace all signage following the sale to reflect the information of the new operator.

Although the location of the single inaccurate sign was in PA, the Compliance Order is not limited in geographic scope to the particular state at issue (PA), nor in proximity to the sign at issue (Malvern, PA). The broad nature of the requirements under the Compliance Order bears no reasonable relationship to the alleged violation. Further, the magnitude of the required compliance order is inconsistent with OPS enforcement actions in similar circumstances during the same time period.² The Compliance Order is therefore overbroad and unduly burdensome in the absence of reasonable conclusions based in law or fact that distinguish MPLCO from the remainder of the pipeline industry.

Accordingly, MPLCO respectfully requests that the OPS reconsider and withdraw the obligations of the Compliance Order related to Item 4 of the Notice. Alternatively, MPLCO would request that the OPS reconsider the scope of the Compliance Order in

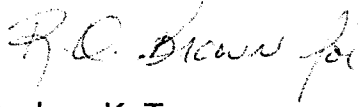
¹ The telephone company previously advised MPLCO that restoring this number to service was not possible.

² For example: (1) CPF No. 3-2001-5006, failure to maintain line markers at one railroad crossing and failure to maintain signs on all sides of a station, warning issued, no fine or related compliance order requirement; (2) CPF No. 1-2001-1002, disconnected telephone number on a single sign, failure to maintain pipeline markers in an area accessible to the public, \$1,000 penalty for each of the two allegations; no related compliance order requirement; (3) CPF No. 1-2000-1002, failure to maintain current telephone number on numerous signs in several states, \$8,000 fine, no related compliance order requirement.

light of the fact the allegation relates to a single inaccurate sign, and deem the actions taken to date, as outlined above, to satisfy the compliance obligations.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "A.K. Turner".

Andrew K. Turner
Vice President

cc: Mr. Wm. H. Gute
Director, Eastern Region
Office of Pipeline Safety
U.S. Dept. of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590-0001

Mr. Lawrence White
RSPA, Office of the Chief Counsel
400 Seventh Street, S.W.
Washington, DC 20590-0001

February 4, 1993

Ms. Mary L. McDaniel, P.E.
Manager, Pipeline Safety
Railroad Commission of Texas
Transportation/Gas Utilities Division
1701 N. Congress
Capitol Station - P.O. Box 12967
Austin, TX 78711-2967

Dear Ms. McDaniel:

This responds to your letter of December 15, 1992, in which you ask us to clarify the requirements in §§192.615(c) and 195.402(c)(12) regarding the requirements to "...establish and maintain liaison with appropriate fire, police, and other public officials..."

In complying with §§192.615(c) and 195.402(c)(12), operators must meet face-to-face with public officials and maintain an ongoing face-to-face liaison after the initial meeting.

I trust this adequately responds to your question.

Sincerely,

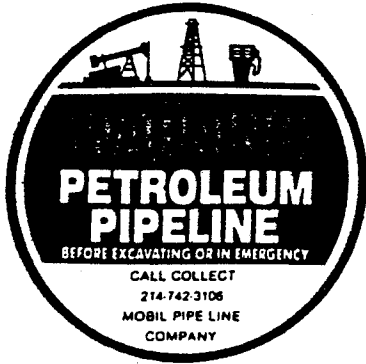
Cesar De Leon
Director Regulatory Programs
Office of Pipeline Safety

East Providence - Springfield Pipeline Public Education Meetings - 2000

Fire Department/Fire District/Agency	Town	State	Manual Delivered	Meeting with Contact	Contact	Title	Notes
East Providence	East Providence	RI	✓ 7/18/00	8/25/00	Robert Jobin	Captain	2 more copies requested (10/31) Done
Seekonk	Seekonk	MA	✓ 7/18/00	7/18/00	David Viera	Chief	
Attleboro	Attleboro	MA	✓ 7/19/00	7/19/00	Russell Goyette	Deputy Chief	
North Attleboro	North Attleboro	MA	✓ 10/16/00	10/16/00	Robert Coleman	Chief	
Pawtucket Water Supply	Cumberland	RI	✓ 7/18/00	7/18/00	Mike Gannon	Assistant Mgr	Also met Allen Champagne, Manager
Cumberland	Cumberland	RI	✓ 7/19/00	7/19/00	Michael Pratt	Deputy Chief	
Cumberland Hill	Cumberland	RI	✓ 7/19/00		Richard Susi	Captain	
North Cumberland	Cumberland	RI	✓ 7/19/00	7/19/00	Charles Delise	Captain	
Valley Falls	Cumberland	RI	✓ 7/19/00	7/19/00	Ernest Cimino	Chief	
Albion	Lincoln	RI	✓ 10/31/00	10/31/00	Marcel Cornire	Chief	3 more copies requested (11/15) Done
Manville	Lincoln	RI	✓ 7/19/00	7/19/00	John St. George	Deputy Chief	Training session 01/22/01
North Smithfield	North Smithfield	RI	✓ 8/25/00	8/25/00	Brayton Round	Private	
Milville	Milville	MA	✓ 1/16/00		John Mullaly	Chief	
Milville EMA	Milville	MA	✓ 1/30/00		Mark Renaud	Director	
Uxbridge	Uxbridge	MA	✓ 1/15/00	11/15/00	Steven Tancrell	Captain	Meeting with Kevin Feen, firefighter
Douglas	Douglas	MA	✓ 1/15/00	11/15/00	Don Gonyer	Chief	2 more copies requested Done
Oxford	Oxford	MA	✓ 10/31/00	10/31/00	Jeff Wilson	Chief	
Charlton City	Charlton City	MA	✓ 10/16/00	10/16/00	Ralph Harris	Chief	Training session 12/13/00
Sturbridge	Sturbridge	MA	✓ 1/16/00	1/16/00	Leonard Senecal	Chief	3 more copies requested Done
Brimfield	Brimfield	MA	✓ 10/31/00	10/31/00	Stephen Denning	Asst Chief	
Monson	Monson	MA	✓ 9/18/00	9/18/00	Elmer Harris	Chief	
Monson EMA	Monson	MA	✓ 6/6/00		Emmaladd Shepherd	Director	Delivered at Table Top Drill Meeting
Palmer	Palmer	MA	✓ 6/6/00		Alan Roy	Chief	Delivered at Table Top Drill Meeting
Palmer EMA	Palmer	MA	✓ 6/6/00		Charlann Griswold	Director	Delivered at Table Top Drill Meeting
Wilbraham	Wilbraham	MA	✓ 6/6/00		Ken Willette	Chief	Delivered at Table Top Drill Meeting
Ludlow	Ludlow	MA	✓ 9/18/00	9/18/00	Charles Chaconas	Chief	
Ludlow EMA	Ludlow	MA	✓ 6/6/00		Don Rivette	Director	Delivered at Table Top Drill Meeting
Chicopee	Chicopee	MA	✓ 9/18/00	9/18/00	Edward Czepiel	Captain	Send one additional copy, follow up Done
Springfield	Springfield	MA	✓ 9/18/00		Don Elliott	Captain	

Mobil Pipe Line Company

THIRD PARTY CONTACT SHEET



When working near our pipelines, please call our area office

Phone No. (508) 476-3054

In Case Of Emergency CALL COLLECT:

(214) 742-3106

ACCIDENTAL DAMAGE DUE TO EXCAVATION EQUIPMENT OR OTHER OUTSIDE FORCES CAN RUPTURE OUR PIPELINE AND CAUSE FIRE OR EXPLOSION RESULTING IN SERIOUS INJURY, DEATH AND EXTENSIVE PROPERTY DAMAGE.

TO ELIMINATE AN ACCIDENT WHILE WORKING NEAR OUR PIPELINE, WE WILL PROMPTLY LOCATE AND STAKE THE LOCATION OF OUR PIPELINE AND RETURN AT SUCH TIME THE CONSTRUCTION ACTIVITY IS NEAR OUR PIPELINE. WE WILL GLADLY PERFORM THIS SERVICE AT NO COST UPON RECEIPT OF A COLLECT TELEPHONE REQUEST.

LINE DESCRIPTION _____ RW NO. _____

PIPELINE STA./MILEPOST _____

LINE LOCATED & STAKED _____ YES ☐ NO ☐

DATE SEPTEMBER 18, 2000

REMARKS REVIEWED PIPELINE SAFETY
AND EMERGENCY PREPLANNING,
EAST PROVIDENCE - SPRINGFIELD
PIPELINE.

CAPTAIN EDWARD CZEPIEL

LANDOWNER CHICOPEE FIRE DEPARTMENT

ADDRESS 80 CHURCH STREET

CHICOPEE, MA 01030

PHONE (413) 594-1630

ENGINEERING CO./AGENT _____

ADDRESS _____

PHONE _____

CONTRACTOR CO. _____

ADDRESS _____

PHONE _____

INSURANCE CO. _____

PAUL H. MERRITT
MOBIL PIPE LINE CO. REP.

SR. SAFETY ADVISOR
TITLE/POSITION

9/18/2000
DATE

CAPT. El Gopal
LANDOWNER

TBS
SIGNATURE

9/18/2000
DATE

CONTRACTOR REPRESENTATIVE

SIGNATURE

TITLE/POSITION

Mobil Pipe Line Company

East Providence - Springfield
Products Pipeline

Emergency Preplanning Manual
Prepared for

Chicopee Fire Department
Chicopee, Massachusetts

Mobil Pipe Line Company
104 Main Street, P.O. Box 606
East Douglas, Massachusetts 01516

May 2000

Emergency Preplanning Manual

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Introduction

This manual has been prepared for the Chicopee Fire Department for the purpose of emergency preplanning. The information has been prepared as part of Mobil's Public Education Program for the East Providence - Springfield Pipeline. In the event significant changes to the information contained herein occur, Mobil will provide an updated document to ensure the emergency preplanning information is current. This manual replaces all previous editions from prior years. Manuals issued prior to 2000 should be discarded to ensure pipeline information and telephone numbers are correct.

If you have any questions concerning the information in this manual, please contact Norman Forget, Pipeline Supervisor, or Paul Merritt, Safety Advisor, at one of the telephone numbers provided on Page 6. Any suggestions concerning additional information that would be beneficial in enhancing the emergency preplanning is welcomed.

Description of Pipeline System

The East Providence - Springfield system consists of 84.35 miles of six-inch diameter pipeline between the East Providence and Springfield Terminals. The pump station at the East Providence Terminal (mile post 00.00) serves as the point of origin and the Springfield Terminal (mile post 84.35) as the termination point. The system has one booster station in East Douglas, Massachusetts (mile post 34.00).

Construction of the steel pipeline was completed in 1932. The pipeline initially supplied product to terminals in Woonsocket, Palmer, and Springfield. Two pipeline spurs were later connected to the mainline to supply terminals in Worcester and Hartford. The terminals in Woonsocket, Worcester, and Palmer were dismantled in the late 1960s. The Hartford Terminal was dismantled in the early 1980s. The pipeline spurs to Worcester and Hartford have been disconnected from the mainline and are maintained under a nitrogen blanket.

The system currently flows approximately 21,000 barrels of petroleum products each day. The pipeline is used to transport Mobil Unleaded and Super Unleaded gasolines, Mobil Heating Oil (No. 2 fuel oil), and Mobil Diesel Fuel. Mobil also transports Sun Company's Ultra 94 gasoline to the Springfield Terminal. Material safety data bulletins for the Mobil products and Sun's Ultra 94 material safety data sheet are provided in the Appendix.

Pipeline Operations

The East Providence - Springfield Pipeline System operates at pressures up to 1200 psig. The operation is continuously monitored by Mobil's Dallas Operations Control Center. The Dallas Operations Control Center is staffed 24 hours a day to monitor Mobil's product pipeline operations throughout the United States. The Operations Controller in Dallas operates the system primarily by remote control and monitors the system in the following manner:

1. Suction, control, and discharge pressures are monitored at the pump stations. These pressures are logged at hourly intervals.
2. Volumes pumped from East Providence and received into the Springfield Terminal are transmitted to Dallas and logged at hourly intervals. An over/short calculation is performed by the Systems Communication And Data Acquisition (SCADA) System at five minute intervals; an audible alarm is sounded in the Operations Control Center when preset limits are exceeded.
3. An audible alarm is received when the status of remote equipment changes. The Operations Controller responds according to the preplanning protocol.
4. In addition to continuously monitoring the system's operation and equipment, the Operations Controller and SCADA System calculate batch change times, scraper movements and tank changes. Directives are issued to field personnel to ensure the safe and continued movement of product through the pipeline.

The East Providence and East Douglas Pump Stations are each equipped with a pressure control valve that continuously monitors the suction and discharge pressures to automatically prevent excessively high or low pressures. The maximum discharge pressure from the East Providence Pump Station is 1140 psig and 1240 psig from the East Douglas Pump Station. The pressure control valves are equipped with fail-safe pressure switches that will automatically shut down the pipeline pumps in the event of control valve failure.

All equipment is designed to fail safe in the event of an emergency or error. In addition, the Dallas Operations Control Center will receive an automatic alarm to shutdown of the pipeline system if the line pressure at the Springfield Terminal exceeds the high alarm limit of 600 psig.

The pipeline is equipped with 24 manually operated block valves. The East Providence Pump Station and Springfield Terminal are equipped with motor-operated valves that can be remotely controlled from the Operations Control Center in Dallas.

Pipeline Operating Pressures in Chicopee

The East Douglas pumps typically have been operating at discharge pressures between 980 and 1100 psig. Based on this range of pressure, pipeline friction loss, and pressure variations due to elevation changes, the pipeline products enter and leave Chicopee at approximately 113 psig and 86 psig, respectively. The average pipeline pressure through Chicopee is 100 psig.

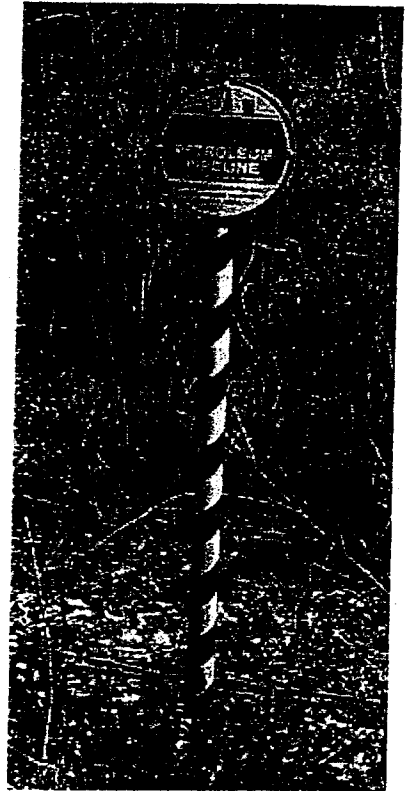
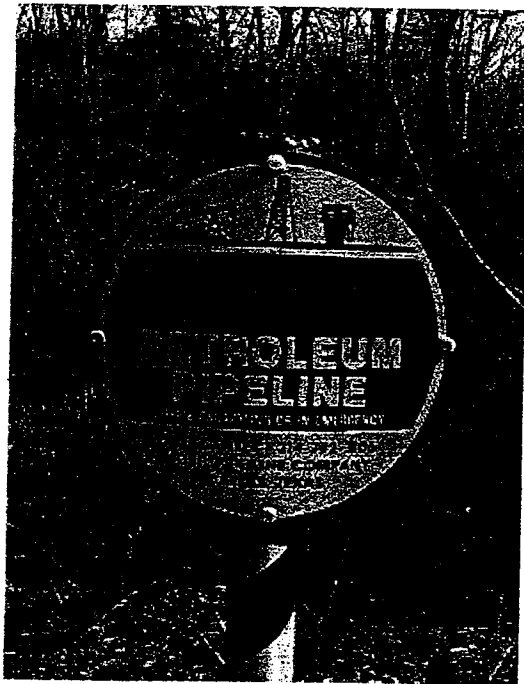
The highest pipeline elevation in Chicopee is the north side of the turnpike crossing (250 feet above sea level); the low point is the Chicopee River (125 feet above sea level).

Pipeline Right of Way Information

There are 1.31 miles of pipeline in Chicopee. A map of the pipeline right of way and a list of the road and water crossings in Chicopee are included in the Appendix.

The pipeline road crossings are identified with a sign that provides the name of the pipeline operator, the type of product transported through the line, and a 24-hour emergency telephone number. The picture is an example of Mobil Pipe Line's road crossing sign.

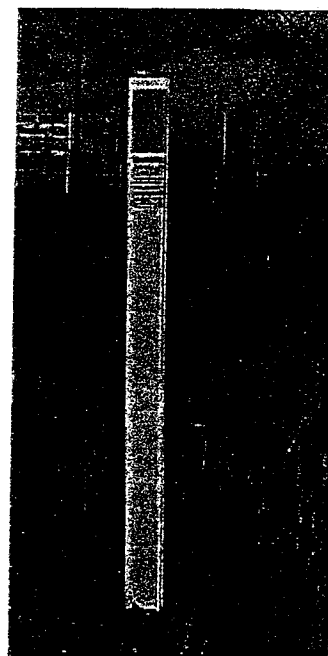
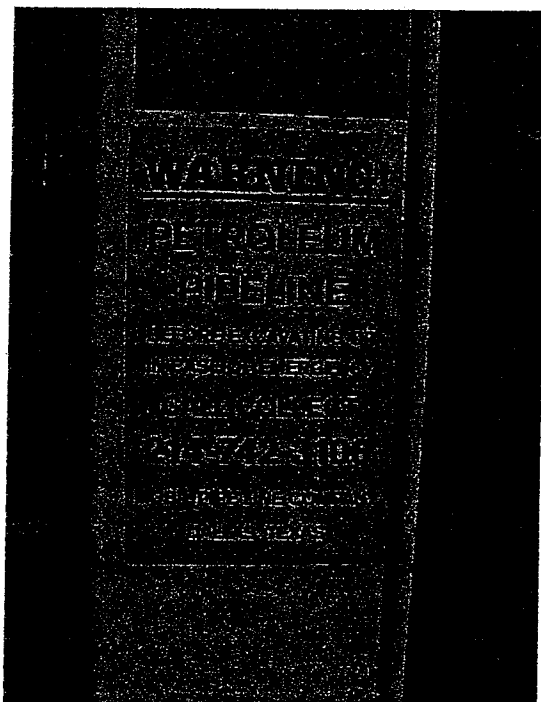
The right of way markers may not be located directly over the pipeline. The marker may be as much as 10 feet from the actual pipeline. For example, when the pipeline passes through a roadway intersection.



Sign Information:

- Pipeline Product
- 24-Hour Emergency Telephone Number
- Pipeline Operator

The marker shown in the picture is also used to identify the pipeline location. This type of marker provides additional protection in remote areas or areas subjected to construction activities. These markers are placed over the pipeline to indicate the specific location.



Pipeline Right of Way Air Patrol

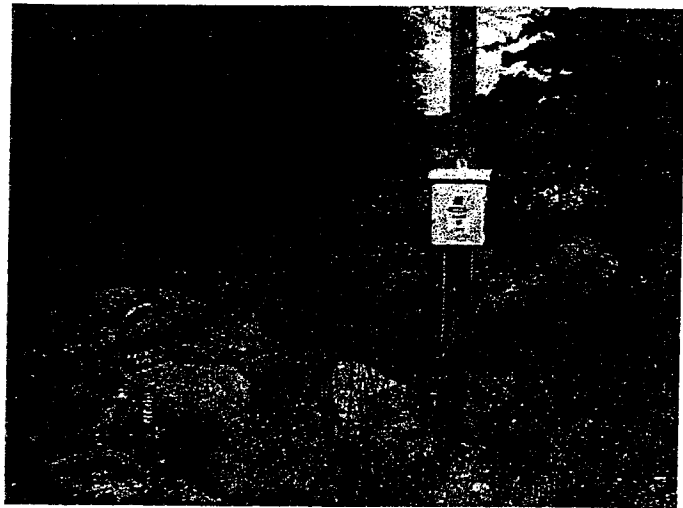
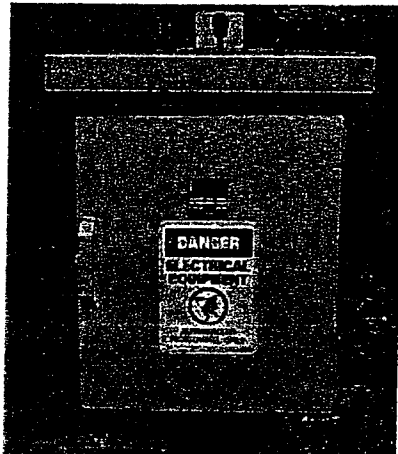
The pipeline right of way is surveyed by air patrol on a two-week frequency. The results of the survey, including any activity or disorder along the right of way, are reported to the Pipeline Supervisor.

Corrosion Control

The pipeline is equipped with cathodic protection that provides corrosion mitigation to the external buried surfaces. Cathodic protection is applied through the use of impressed current ground beds that are powered by a direct current, sacrificial anodes, or a combination of the two. A rectifier unit provides the impressed current to the ground bed with a direct current of 100 volts. The cathodic protection is monitored and inspected at least every two months to ensure a constant level of protection.

Rectifier units are mounted on power line poles at various locations along the right of way.

Power to rectifiers in the vicinity of a pipeline emergency is shut-down by a pipeline employee.



The internal pipe surfaces are inspected for corrosion each time the line is opened. Wall thicknesses have also been measured with an internal inspection device (smart pig). The pipeline is reinforced or replaced in the event the wall is less than the required thickness.

Mobil Response to a Pipeline Emergency

Pipeline employees are trained to respond to pipeline emergencies. Training is provided to satisfy the required skills for emergency response and coordination with responding agencies.

Emergency response equipment is maintained at the East Douglas Pump Station. The equipment is stored in a trailer to facilitate a prompt response to the emergency scene. The following equipment is included in the emergency response trailer:

Kohler 3500W generator
Flood lights (300W - 500W)
Homelite 111 DP2 2-inch pump
36 feet of 2-inch suction hose
14-foot boat and floatation devices
9.9 HP outboard motor

Slick bar boom (500 feet)
Absorbent pads and sausage booms
Plastic sheeting and stakes
Personal protective equipment
Hand tools
Decontamination kit

The standard response to a pipeline release includes automatically contacting the appropriate clean up company under contract with Mobil. The clean up contractor will be instructed to immediately dispatch the necessary equipment for product containment, recovery, and disposal. The clean up contractor will also be prepared to take care of site clean up as necessary.

Mobil Pipe Line Company East Providence - Springfield Pipeline

Mobil Emergency Telephone Listings

Dallas Operations Control Center:

24-Hour Emergency Number (214) 742-3106 (Call Collect)
24-Hour Non-Emergency Number (888) 337-5005

Pipeline Operations Supervisor:

Norman L. Forget Office: (508) 476-3054
Pager: (508) 327-2562
Cellular: (401) 265-3446
Fax: (508) 476-2230

Additional Mobil Telephone Listings

Right of Way Agent

Larry Lane

Office: (716) 527-6168
Pager: (716) 525-6619
Cellular: (716) 752-8919
Fax: (716) 527-6174

Public Education

Paul H. Merritt

Office: (508) 389-1882
Pager: (800) 246-8506
Cellular: (508) 612-5801
Fax: (508) 389-1890

Mobil Pipe Line Company East Providence - Springfield Pipeline

Appendices

Material Safety Data Bulletins

Mobil Unleaded Gasoline
Mobil Super Unleaded Gasoline
Mobil Heating Oil (No. 2)
Mobil Diesel Fuel
Sun Ultra 94 Unleaded Gasoline

Pipeline Right of Way Information

Chicopee Right of Way Map
Chicopee Right of Way Crossings